

Remarks

In the Office Action, Claims 16-20 were withdrawn from consideration in view of applicant's timely traverse of restriction requirement. Claims 4 and 6 were previously cancelled. Accordingly, Claims 1-3, 5 and 7-23 were addressed in the Office Action.

In the Office Action, Claims 1-3, 7, 9, 10 and 21-23 were rejected under 35 U.S.C. § 102(b) as being anticipated by Linnemann (UK 2014034); Claim 8 was rejected under 35 U.S.C. § 103(a) as being obvious and unpatentable over Linnemann; Claims 5 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Linnemann in view of U.S. Patent No. 6,412,193 or U.S. Patent No. 6,115,940 (both to Chen); Claims 11, 13 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Linnemann in view of U.S. Patent No. 4,876,807 (Tiitola); and Claim 12 was rejected under 35 U.S.C. § 103(a) as being obvious and unpatentable over Linnemann in view of either U.S. Patent No. 5,983,529 (Serna) or U.S. Patent No. 2,547,480 (McDaniel).

In this amendment, Claims 1-3, 5 and 7-20 have been cancelled. Claim 21 has been amended. No new subject matter is presented.

The pending independent claim is Claim 21, which was rejected as allegedly being anticipated by Linnemann. Claim 21 has been amended to clarify that the upper is *bent to form a bottom portion that is perpendicular to a bottom edge of the upper*. Linnemann does not disclose or suggest bending of the upper to create a bottom portion and a bottom edge that are perpendicular to each other. Rather, Linnemann discloses a method of shoe assembly by hand "without any machinery." (Page 1, lines 74-76.) Specifically, in the shoe construction technique

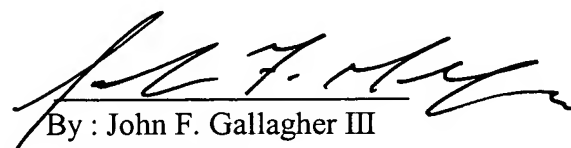
disclosed by Linnemann “[t]here is no need for any lasting at all.” (Page 1, lines 73-74.) In contrast, during the construction of the footwear of the claimed invention, the upper is bent to form a bottom portion and a bottom edge, with the bottom portion and bottom edge being perpendicular to each other, i.e. formed into an L-shape (see Fig. 3), to allow for Opanka technique coupling of the bottom edge of the upper to the outsole, as well as coupling using sealant of the bottom portion of the upper to the water barrier wall, thereby providing an improved coupling.

The other cited references fail to cure the failure of Linnemann to disclose footwear having *an upper bent to form a bottom portion that is perpendicular to a bottom edge of the upper*, as in Claim 23. Claims 22 and 23 depend from Claim 21, and are allowable for at least the above reasons.

Accordingly, allowance of the pending claims, i.e. Claims 21-23, is respectfully requested. Should the Examiner feel that a telephone conference or personal interview will facilitate resolution of any remaining matters, the Examiner is respectfully requested to contact the undersigned at the number indicated below.

Respectfully submitted,  
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